

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH REAGAN CARTER-MADDOX,
Plaintiff,
v.
CALIFORNIA SUBSTANCE ABUSE
TREATMENT AND FACILITY, et al.,
Defendants.

No. 1:23-cv-01632 KES GSA (PC)

ORDER DIRECTING RETURN OF FILING
FEE TO PLAINTIFF

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Plaintiff has also paid the filing fee in full. Findings and recommendations regarding the dismissal of this case for failure to exhaust are currently pending. See ECF No. 8. For the reasons stated below the Court will order that Plaintiff's filing fee be returned to him in its entirety.

I. RELEVANT FACTS

On November 13, 2023, Plaintiff filed the instant complaint and application to proceed in forma pauperis.¹ See ECF No. 1 at 5 (signature date of complaint); ECF No. 2 at 2 (signature

¹ The signing date of a pleading is the earliest possible filing date pursuant to the mailbox rule. See Roberts v. Marshall, 627 F.3d 768, 769 n.1 (9th Cir. 2010) (stating constructive filing date for prisoner giving pleading to prison authorities is date pleading is signed); Jenkins v. Johnson, 330

1 date of in forma pauperis application). Shortly thereafter, Plaintiff's six-month prison trust fund
2 account statement was filed. ECF No. 5. On November 30, 2023, the Court granted Plaintiff's in
3 forma pauperis application. ECF No. 6. Despite this fact, however, on March 8, 2024, Plaintiff
4 paid the filing fee in full.

5 II. DISCUSSION

6 Given that Plaintiff was granted in forma pauperis status back in November 2023, the
7 filing fee that he recently paid in March 2024, in full, was not necessary. Therefore, the Court
8 will order that the \$350.00 filing fee be returned to Plaintiff in its entirety.

9 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court and the Financial
10 Department shall work together to RETURN to Plaintiff in its entirety the \$350.00 filing fee he
11 unnecessarily paid, the receipt of which was recorded on the Court's docket on March 8, 2024.

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14 IT IS SO ORDERED.

15 Dated: March 27, 2024

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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F.3d 1146, 1149 n.2 (9th Cir. 2003), overruled on other grounds by Pace v. DiGuglielmo, 544
U.S. 408 (2005).